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8 Counsel for Defendant PASCOE

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.
17 GAGE PASCOE,
18 Defendant.

Case No.: 20-MJ-71726 MAG

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STATUS
HEARING AND EXCLUDE RULE 5.1
AND SPEEDY TRIAL TIME FROM
APRIL 12, 2021 TO MAY 14, 2021**

20

21 Gage Pascoe is currently released on pretrial conditions and living at a sober living
22 environment. Mr. Pascoe is set for a status regarding preliminary hearing on April 15, 2021.¹
23 Defense counsel continues to manage several constraints during the COVID-19 pandemic that
24 restrict her ability to timely and effectively investigate, review discovery, and consult with Mr.
25 Pascoe.

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28 ¹ The parties submitted a stipulation and proposed order to exclude time and continue the
preliminary hearing and status hearing to April 12, 2021, which Judge Beeler granted, Dkt 27,
however it appears the matter has been scheduled for April 15 on the online Court calendar.

1 Accordingly, with the agreement of the parties, and with the consent of the defendant, the
2 parties respectfully request that the Court order the status regarding preliminary hearing be reset to
3 May 14, 2021 at 10:30 a.m. with defendant's waiver of the preliminary hearing date under Federal
4 Rule of Criminal Procedure 5.1. The parties additionally request an exclusion of time under the
5 Speedy Trial Act, 18 U.S.C. § 3161(b). The parties agree, and the Court finds and holds, as follows:

6 1. The defendant is currently charged by criminal complaint. The defendant is not in
7 custody, having been released on December 22, 2020.

8 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
9 3161(h)(7)(A) & (B)(iv) to provide reasonable time necessary for effective preparation,
10 taking into account the exercise of due diligence.

11 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
12 preliminary hearing.

13 4. Counsel for the defense believes that postponing the preliminary hearing is in her
14 client's best interest, and that it is not in her client's interest for the United States to indict
15 the case during the timeline established in Rule 5.1.

16 5. The Court finds that, taking into the account the public interest in the prompt
17 disposition of criminal cases, these grounds are good cause for extending the time limits
18 for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these
19 circumstances, the Court finds that the ends of justice served by excluding the period
20 from April 12, 2021 through May 14, 2021, outweigh the best interest of the public and
21 the defendant in a speedy trial. 18 U.S.C. 3161(h)(7)(A).

22 6. Accordingly, and with the consent of the defendant, the Court (1) continues the
23 preliminary hearing date of April 15, 2021, at 10:30 a.m. to May 14, 2021, at 10:30 a.m.
24 before the Honorable Judge Hixon, and (2) orders that the period from April 12, 2021,
25 through May 14, 2021 be excluded from the time period for preliminary hearings under
26 Federal Rule of Criminal Procedure 5.1 and from Speedy Trial calculations under 18
27 U.S.C. 3161(h)(7)(A) & (B)(iv).

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1 Therefore, the parties hereby stipulate that the April 15 hearing be vacated, and placed
2 on calendar for a status conference on May 14, 2021 at 10:30 a.m.

3 The parties further stipulate that the time be excluded from April 12, 2021 to May 14,
4 2021 for effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv). The
5 parties stipulate, and ask the Court to find, that the requested exclusion of time are in the
6 interests of justice and outweigh the best interest of the public and the defendant in a speedy
7 trial. 18 U.S.C. § 3161(h)(7)(A).

8 IT IS SO STIPULATED.

9 Respectfully Submitted,

10 April 9, 2021
11 Dated

12 GEOFFREY HANSEN
13 Acting Federal Public Defender
14 Northern District of California

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16 April 9, 2021
17 Dated

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19 IT IS SO ORDERED.

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